

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No. 24-3445

No. 25-1053

DRAKE UNIVERSITY,
Appellee-Cross Appellant,

v.

DES MOINES AREA COMMUNITY COLLEGE FOUNDATION and
DES MOINES AREA COMMUNITY COLLEGE,

Appellants-Cross Appellee

APPEAL FROM THE U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

Case No. 4:24-cv-227
HON. STEPHANIE M. ROSE

**APPELLEE – CROSS APPELLANT’S
CERTIFICATE OF TRANSCRIPT**

On January 28, 2025, the above-captioned case numbers were consolidated as cross-appeals for submission and disposition (the “Consolidation Order”).

Case No. 24-3445 is an appeal from Southern District of Iowa District Court Docket No. 87, which is an order on a Motion for Preliminary Injunction (the “Preliminary Injunction Order”).

Case No. 25-1053 is an appeal from Southern District of Iowa District Court Docket No. 101, which is an order on a Motion to Extend and Clarify the Preliminary Injunction Order (the “Clarification Order”).

Prior to the Consolidation Order, on December 5, 2024 counsel for Appellants-Cross Appellees Des Moines Area Community College Foundation and Des Moines Area Community College filed a Verification of Ordering Transcript, stating that a transcript of the relevant hearing involving the Preliminary Injunction Order (the subject of Case No. 24-3445) had been ordered. *See* Entry ID: 5463195.

No hearing was held on the Clarification Order. Thus, pursuant to Fed. R. App. P. 10(b)(1)(B), Appellee-Cross Appellant, Drake University, hereby states that because there was no hearing or transcript of proceedings related to Case No. 25-1053, no transcript will be ordered.

Respectfully submitted,

Dated: February 18, 2025

ZARLEYCONLEY PLC

By: /s/John D. Gilbertson
John D. Gilbertson, AT0014515
Joshua J. Conley, AT0011828
580 Market Street, Suite 101
West Des Moines, IA 50266
Telephone: (515) 558-0200
Facsimile: (515) 558-7790
jconley@zarleyconley.com
ATTORNEYS FOR
APPELLEE/CROSS-APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2025, I electronically filed the foregoing with the Clerk of Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/John D. Gilbertson